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13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF NEVADA**

15 BANK OF AMERICA, N.A.,

16 Plaintiff,

17 vs.

18 OLD REPUBLIC NATIONAL TITLE
19 INSURANCE COMPANY; OLD REPUBLIC
20 TITLE COMPANY OF NEVADA; DOES I
21 through X; and ROES XI through XX,

22 Defendants.

Case No.: 2:21-cv-00454-GMN-EJY

**STIPULATION AND ORDER FOR
LIMITED STAY OF CASE**

23 Plaintiff, Bank of America, N.A. (“Plaintiff”) and Defendants Old Republic National Title
24 Insurance Company and Old Republic Title Company of Nevada (“Defendants”, and with
25 Plaintiff, the “Parties”), by and through their undersigned counsel, hereby stipulate as follows:

26 This matter involves a title insurance coverage dispute wherein Plaintiff contends, and
27 Defendants dispute, that the title insurance claim involving an HOA assessment lien and
28 subsequent sale was covered by the subject policy of title insurance. There are now currently
pending in the United States District Court for the District of Nevada and Nevada state courts
more than one-hundred actions between national banks, on the one hand, and title insurers, on the
other hand. In virtually all of these actions, the title insurer underwrote an ALTA 1992 or ALTA
2006 loan policy of title insurance with form 1 coverage, along with the CLTA 100/ALTA 9
and/or CLTA 115.2/ALTA 5 Endorsements.

1 The Parties have conferred and believe a limited six-month stay is warranted. The
 2 *PennyMac Corp. v. Westcor Land Title Ins. Co.*, Nevada Supreme Court Case No. 83737
 3 (“*PennyMac*”) appeal remains pending. Additionally, there is another fully briefed appeal to the
 4 Nevada Supreme Court involving a similar coverage dispute in *Deutsche Bank Nat’l Trust Co.*
 5 *v. Fidelity Nat’l Title Ins. Co.*, Nevada Supreme Court Case No. 84161 (“*Deutsche Bank*”).
 6 Both *PennyMac* and *Deutsche Bank* are fully briefed, but oral argument has not been set.¹ The
 7 Parties anticipate that the Nevada Supreme Court’s decisions in the foregoing appeals may
 8 touch upon issues regarding the interpretation of policy and claims handling, that could
 9 potentially affect the disposition of the instant action.

10 Accordingly, the Parties believe a stay of six months in the instant action will best
 11 serve the interests of judicial economy. The Parties request that the action be stayed for six
 12 months, through and including, August 16, 2023. The Parties are to submit a Joint Status
 13 Report on or before August 16, 2023. The Parties further agree that this stipulation and stay
 14 of this case is entered based on the specific circumstances surrounding this particular
 15 case, and that this stipulation shall not be viewed as a reason for granting a stay in any other
 16 pending matter.

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 25 ¹ There are also two separate appeals with the Ninth Circuit involving similar coverage disputes.
 26 The appeal in *Wells Fargo Bank, N.A. v. Commonwealth Land Title Ins. Co.*, Case No. 19-16181
 27 is fully briefed, but the Ninth Circuit has deferred its decision pending the *PennyMac* and
 28 *Deutsche Bank* appeals. See Dkt. Ent. 75. The appeal in *U.S. Bank Nat’l Ass’n v. Stewart Title*
Guaranty Co., Case No. 22-17015 is in the early stages of briefing with U.S. Bank’s opening brief
 currently due February 28, 2023.

